

Claim Rejections – 35 USC § 102(e)

The Office Action further indicates rejection of Claims 18-33 pursuant to 35 USC 102 (e) as being anticipated by Sunstein et al. (U.S. Patent No. 6,985,887). The Applicant respectfully disagrees with this rejection and elects to traverse the rejection. To anticipate a claim pursuant to 102(e) the reference must teach every element of the claim. *MPEP § 2131*. The Applicant respectfully elects to traverse this rejection because the cited prior-art (the '887 Patent) does not teach every element of the subject Claims. The Applicant respectfully requests reconsideration of the rejection and allowance of the subject Claims.

In order for a reference to qualify as prior art pursuant to 35 U.S.C. § 102(e), the reference must disclose each and every element of the claimed invention. *MPEP § 2131*, citing: *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The absence of any claimed element in the prior art reference negates a finding of anticipation. *Id.* Also, “the identical invention must be shown in as complete detail as is contained in the... claim.” *Id.* Citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Neither the specific paragraph of the '887 Patent that is referenced in the Office Action (Col. 1, lines 59-67), nor the '887 Patent as a whole, discloses all of the elements of the subject Claims. First, the paragraph cited at Col. 1, lines 59-67 refers very generally to “central credit card registries” that “exist to provide credit card owners with a single point of reference for registering credit card numbers and, optionally, providing selected other services for dealing with lost or stolen credit cards (*e.g.*, notifying credit card issuers of the theft).” The cited paragraph goes on to cite minimization of fraud in

such registries as one of the goals of the invention disclosed by the '887 Patent. The cited paragraph states: "a credit card registry may itself be used by an unscrupulous individual to perpetuate identity theft, whereby, for example, a fraudulent change of address may be given to multiple credit card issuers via a credit card registry." The '887 Patent seeks to reduce fraud in "credit card registries" that have been known in the art for some time to allow customers to submit information to multiple card agencies via a single telephone call.

Neither the cited paragraph, nor the related-art, however, disclose the use of an "on-line card management" method for use with a "computer network." The Applicant's system represents a highly desirable improvement on related-art systems because it eliminates the need for human interactions in card management systems. Also, in the related-art systems, a customer would purchase a personal service managed by a customer service representative that could be reached by telephone. With the Applicant's invention, on the other hand, the customer purchases the ability to personally manage his or her own accounts. This improves the customer's ability to tailor the card management system to his or her personal desires while also increasing the efficiency of card management systems.

Furthermore, the cited paragraph from the '887 Patent fails to disclose many of the additional services that are performed by the computer network and disclosed in several of the Applicant's claims including: "request for a new card, notification of a billing dispute, request for a copy of a bill, a change of marital status, a change in name, and a request for an increase in credit line." In summary, because "the absence of any claimed element in the prior art reference negates anticipation," and, "the identical

invention must be shown in as complete detail as is contained in the... claim” (*MPEP* § 2131) the failure to teach these crucial elements of the Applicant’s Claims indicates that the cited paragraph fails to anticipate the Claims to the standards of *102(e)*.

Furthermore, the ‘887 Patent, when read as a whole, fails to disclose “each and every limitation of the claims” of the Application, as required by *MPEP* § 2131. The ‘887 Patent is directed towards a “method of assuring integrity of personal information in a data base containing personal information provided by multiple users us[ing] in various embodiments physiological identifiers associated with each of the users.” The ‘887 Patent seeks to reduce fraud over in telephonic customer service calls, such as those used in “central credit card registries.” The ‘887 Patent does not, however, disclose an improved card management system that eliminates the use of telephonic customer service calls. The ‘887 Patent as a whole fails to disclose several crucial elements of the Applicant’s invention, including, but not limited to, an “on-line card management” system over a “computer network.” Several other elements of the Claims are, likewise, not disclosed anywhere in the ‘887 Patent.

In summary, the Applicant respectfully traverses the Office Action’s rejection of Claims 18-33 because the requirements of *35 U.S.C. 102(e)* are not actually satisfied by the ‘877 Patent. Pursuant to *MPEP* § 2131, to anticipate a claim, the reference must teach each and every element of that claim. The ‘887 Patent, neither in whole nor in the cited paragraph, teaches many of the important elements of the Applicant’s Claims. Therefore, the Applicant respectfully requests removal of the rejection and solicits prompt allowance of all of the subject Claims.